

Deferment, Suspension and Cancellation Policy and Procedure

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Deferment, Suspension and Cancellation Policy and Procedure

1. PURPOSE

- 1.1 The purpose of this policy is to outline the circumstances under which an overseas student's enrolment can be deferred, suspended or cancelled. This may be initiated by either the overseas student for compassionate and compelling circumstances, or Lennox College for an overseas student's breach of visa conditions, failure to pay fees, misbehaviour, or other conditions listed within the policy.

2. SCOPE

- 2.1 The policy applies to all international students currently enrolled at Lennox College.

3. DEFINITIONS

- 3.1 **Suspension:** Refers to temporarily cease studies **during** the enrolment period with the clear intention that the student will recommence at an agreed date.
- 3.2 **Deferment:** Refers to postponing studies **prior** to the commencement date.
- 3.3 **Cancellation:** Refers to the cessation of enrolment.

4. POLICY STATEMENT

Student Initiated Deferment, Suspension, Cancellation

- 4.1 A student may request a temporary deferment or suspension to an agreed period of time up to a maximum of 8 weeks.
- 4.2 A student may request a temporary deferment or suspension to enrolment on the grounds of compassionate or compelling circumstances.
- 4.3 Compassionate or compelling circumstances are those beyond the control of the student and which have an impact upon the student's course progress or wellbeing such as:
- 4.3.1. Serious illness or injury, where a medical certificate states that the student was unable to attend classes;
 - 4.3.2. Death of close family members such as parents or grandparents (Where possible a death certificate should be provided);
 - 4.3.3. Major political upheaval or natural disaster in the home country requiring emergency travel which has impacted on the student's studies; or
 - 4.3.4. A traumatic experience that has impacted on the student which could include involvement in, or witnessing of a serious accident or witnessing or being the victim of a serious crime. Such cases supported by police or psychologists' reports.
 - 4.3.5. Where Lennox is unable to offer a pre-requisite unit; or
 - 4.3.6. Inability to begin studying on the course commencement date due to delay in receiving a student visa.

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Please Note: The above are only some examples of what may be considered compassionate or compelling circumstances. The Student Support /Compliance Officer will use their professional judgment to assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, Lennox will consider documentary evidence provided to support the claim,

- 4.4 Students will be required to complete a Deferment, Suspension or Cancellation form and provide evidence of the compassionate or compelling circumstances to support the deferment or suspension.
- 4.5 Students will be advised to speak to the Student Support Officer and documentation will be kept in the student administration file.
- 4.6 Lennox will always use its professional judgement to assess each student's case on its individual merits when determining whether compassionate or compelling circumstances exist.
- 4.7 Students will be notified of the outcome within 10 working days from the date of receipt of application.
- 4.8 Students must not have any outstanding tuition fees prior to applying for suspension or cancellation of enrolment
- 4.9 Students wanting to cancel their enrolment prior to completing 6 months of their principle course must refer to the Student Transfer Policy.
- 4.10 Fees must be up to date prior to making an application for suspension or cancellation
- 4.11 Course progress must be up to date prior to making an application for suspension.
- 4.12 A fee of \$200.00 will be charged for students wishing to cancel or make a change to their CoE.

College Initiated Deferment, Suspension or Cancellation

- 4.13 Lennox may suspend or cancel a student's enrolment including, but not limited to, on the basis of:
 - 4.13.1. Misbehaviour/misconduct by the student as outlined in the Student Code of Conduct
 - 4.13.2. A student has supplied incorrect, incomplete, falsified or fraudulent information at the time of application, enrolment or during their enrolment.
 - 4.13.3. The student's failure to pay an amount he or she was required to pay Lennox to undertake or continue the course as stated in the written agreement/payment plan
 - 4.13.4. A breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).
 - 4.13.5. Non-payment of outstanding fees
 - 4.13.6. Failure to return to study after a scheduled term break.
 - 4.13.7. Failure to recommence at the agreed date of an approved deferment or suspension.
 - 4.13.8. Where the student does not commence studies in a course when they are due to commence and they have not notified Lennox in writing within 14 days of the course commencement, and then student enrolment will be cancelled on the basis of Non Commencement of studies.
- 4.14 If Lennox initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation Lennox will:
 - 4.14.1 Inform the overseas student of that intention and the reasons for doing so, in writing
 - 4.14.2 advise the overseas student of their right to appeal through the provider's internal complaints and appeals

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process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

- 4.15. Lennox will not provide opportunity to appeal a provider-initiated deferral, suspension or cancellation of enrolment when the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk. Lennox will keep evidence to support this. This may include, but is not limited to, when the overseas student:
- 4.15.1. Is missing;
 - 4.15.2. Has medical concerns, severe depression or psychological issues which lead the provider to fear for the overseas student's wellbeing;
 - 4.15.3. Has engaged or threatens to engage in behaviour that is reasonably believed to endanger the overseas student or others; or
 - 4.15.4. Is at risk of committing a criminal offence.
 - 4.15.5. Has breached Lennox's code of conduct.
- 4.16. Lennox may defer, suspend or cancel an enrolment where the course is not being offered at the proposed date, location, or any other reason the CEO deems necessary. Please see 'Provider Default' within the Refund Policy and Procedure.

Informing Students

- 4.17. Lennox provides all students with clear information on the circumstances, in which they may defer, suspend or cancel their enrolment and the circumstances in which Lennox can suspend or cancel the student's enrolment and that any application to defer or suspend or cancel their course may affect their student visa
- 4.18. Lennox provides information on deferment, suspension and cancellation in the Student Handbook and/or Prospectus which are provided to students prior to or upon commencement of a course.
- 4.19. Standards of behaviour required are stated in the Student Code of Conduct. These standards will indicate to students what acceptable and unacceptable behaviour is and inform them of the circumstances in which Lennox may suspend or cancel their enrolment.
- 4.20. Students will also be reminded of this Policy and the criteria for deferral, suspension and cancellation at their orientation.
- 4.21. Appropriate records of the assessment of the student's application for deferment, suspension or cancellation will be kept on the student's file.
- 4.22. Where a student is suspended or their enrolment cancelled due to items 4.13 and 4.15, documentary evidence of this decision will also be kept.
- 4.23. When there is any deferral, suspension or cancellation action taken under standard 9 of the National Code 2018, Lennox will:

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- 4.23.1. Provide a letter of outcome informing the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa
- 4.23.2. Report the change to the overseas student's enrolment under section 19 of the ESOS Act.
- 4.23.3. Maintain documentation related to the application in the student file.

5. RELEVANT LEGISLATION AND DOCUMENTS

Documents

Student Request to Finish Early Checklist
Deferment, Suspension and Cancellation Form
Student Deferment, Suspension and Cancellation Application Outcome Letter
Student Request for Release Application Form
Student Complaints and Appeals Form
Student Complaints and Appeals Outcome Letter

Legislation

- 5.1 According to The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 *Standard 9* the registered provider:
 - 9.1 Must have and implement a documented process for assessing, approving and recording a deferment of the commencement of study or suspension of study requested by an overseas student, including maintaining a record of any decisions.
 - 9.2 May defer or suspend the enrolment of a student if it believes there are compassionate or compelling circumstances.
 - 9.3 May suspend or cancel a student's enrolment including, but not limited to, on the basis of:
 - 9.3.1 Misbehaviour by the student
 - 9.3.2 The student's failure to pay an amount he or she was required to pay the registered provider to undertake or continue the course as stated in the written agreement
 - 9.3.3 A breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).
 - 9.4 If the registered provider initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation the registered provider must:
 - 9.4.1 Inform the overseas student of that intention and the reasons for doing so, in writing
 - 9.4.2 Advise the overseas student of their right to appeal through the provider's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
 - 9.5 When there is any deferral, suspension or cancellation action taken under this standard, the registered provider must:

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9.5.1 Inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa

9.5.2 Report the change to the overseas student's enrolment under section 19 of the ESOS Act.

9.6 The suspension or cancellation of the overseas student's enrolment under Standard 9.3 cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

5.2 According to the Education Services of Overseas Student Act 2000, *Section 19* – Giving Information about accepted students section 1(d), a registered provider must give the following information within the applicable number of days after the event specified below occurs:

- Any termination of an accepted student's studies (whether as a result of action by the student or the provider or otherwise) before the student's course is completed;

Records Management

Staff members must maintain all records relevant to administering this policy and procedure in the college's recordkeeping system.

6. FEEDBACK

College staff and students may provide feedback about this document by emailing: compliance@lennoxcollege.edu.au

7. APPROVAL DETAILS

Approval	Details
Approval Authority	CEO
Administrator	Compliance Officer
Version	2.0

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